

SN 09/856,907
Atty Docket No. DSP/HB/07.01/US

REMARKS

1. Status Information: Claims 1, 2, 4-44 and 46-48 are under consideration, and are under final rejection. Claims 1, 44, 49, 61 and 64 are hereby amended.

2. Amendments to the Claims: Claim 1 has been amended as suggested by the Examiner [OA page 4, last paragraph, over to page 5], except that the Examiner's suggested limitation, "*a single origin of replication*" has been presented as "*at least one origin of replication*" in order to account for situations in which more than one origin of replication are present in a vector (i.e., phagemid vectors, which typically have both M13 and pUC origins). In addition, in subpart (b) of claim 1, instead of the limitation "*wherein each of the expression sequences are different*", as suggested by the Examiner, applicants propose "*wherein each of the diverse expression sequences in the library are different*", in order to account for the fact that a library of millions of clones contain multiple copies of individual, or "unique", sequences. Claim 44, which depends from claim 1, has also been amended for consistency with amended claim 1.

Withdrawn claims 49, 61 and 64 are also hereby amended for consistency with amended claim 1. Should the Examiner find claim 1 allowable, applicants kindly request withdrawal of the restriction and rejoinder of claims 49, 61 and 64.

3. Pending Rejections: There are two rejections pending:

The first is a 35 USC § 112, 2nd paragraph, rejection of claim 1 and all claims dependent thereon, on the grounds that "*the phrases 'a nucleic acid vector sequence' and 'a nucleic acid sequence' are indefinite because it is not clear if these sequences are mutually exclusive of if the sequences are the same sequences*". [OA at page 2]. Amended claim 1 replaces these phrases with those suggested by the Examiner.

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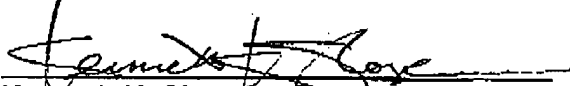
The second is the maintained rejection of claims 1, 2, 3-44 and 46-48 under 35 USC § 102(b) as being anticipated by Johnson et al. Applicants have adopted the approach suggested by the Examiner to overcome this rejection, and believe that the claim as currently amended is free of Johnson et al.

Further, for the record, applicants respectfully disagree with and traverse the assertion that an origin of replication includes "*any portion of a nucleic acid sequence in the vector, such as the lox site of Johnson...*" [OA page 3]. Applicants believe that the term "origin of replication" should be given its ordinary meaning in the art, which would not include a lox site.

4. Conclusion: Applicants are grateful to the Examiner for suggesting language to overcome the pending rejections, which applicants have adopted. Claims 1, 2, 3-44 and 46-48 are now free of all rejections and objections lodged over the course of this application's prosecution, and are now in allowable form. Accordingly, applicants kindly request an early indication of allowance.

Respectfully submitted,

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